

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.D.M., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAKISHA ALONDA BAKER,

Respondent-Appellant.

UNPUBLISHED

January 21, 2003

No. 238790

Wayne Circuit Court

Family Division

LC No. 98-365033

Before: Jansen, P.J., and Hoekstra and Gage, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j). We affirm.

The child first came into the court's custody following allegations of physical abuse by respondent-appellant. During the course of proceedings, respondent-appellant also admitted abusing alcohol and marijuana. The court ordered respondent-appellant to submit drug screens, but she failed to comply with the order and, just before the termination hearing, gave birth to a child who tested positive for marijuana. Respondent-appellant also failed to maintain employment and to consistently visit the child, as required under her parent-agency agreement. She lived in unsuitable housing until just prior to the termination trial, at which time she moved in with her aunt. She also failed to have her long-term partner present himself to petitioner for evaluation as a caregiver for the child. Respondent-appellant did comply with the court order that she attend additional counseling, and the counselor found that she was making progress.

Under the foregoing circumstances, the trial court did not clearly err in finding that termination of respondent-appellant's parental rights was supported by clear and convincing evidence under §§ 19b(3)(b)(i), (g), and (j). MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Although the court erred in terminating respondent-appellant's parental rights under § 19b(3)(c)(i) where the circumstances that brought the child into the court's custody, namely physical abuse, did not continue to exist, this error was harmless in light of the other grounds supporting termination. *In re Powers*, 244 Mich App 111, 117-118; 624 NW2d 472 (2000).

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Hilda R. Gage